

## HOUSE BILL No. 1328

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8.

**Synopsis:** Police and firefighter death benefits. Increases from \$9,000 to \$12,000 the death benefit payable to the heirs or estates of members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, and the 1977 police officers' and firefighters' pension and disability fund.

**Effective:** July 1, 2005.

---

---

**Becker, Hoy, Lawson L**

---

---

January 13, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

---

---

C  
o  
p  
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1328

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-8-6-9.8 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.8. (a) Benefits paid  
3       under this section are subject to section 1.5 of this chapter.

4       (b) The 1925 fund shall be used to pay funeral benefits to the heirs  
5       or estate of an active or a retired member of the police department who  
6       has died from any cause, in an amount fixed by ordinance, but at least

7               (1) one thousand five hundred dollars (\$1,500) for a member who  
8               dies before September 1, 1984;

9               (2) three thousand dollars (\$3,000) for a member who dies after  
10              August 31, 1984, and before July 1, 1994;

11             (3) six thousand dollars (\$6,000) for a member who dies after  
12             June 30, 1994, and before January 1, 1999; and

13             (4) nine thousand dollars (\$9,000) for a member who dies after  
14             December 31, 1998;

15       **twelve thousand dollars (\$12,000).**

16       SECTION 2. IC 36-8-7-13 IS AMENDED TO READ AS  
17       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) Benefits paid



C  
o  
p  
y

under this section are subject to section 2.5 of this chapter.

(b) Upon the death of a disabled, retired, or discharged member of the fire department who was receiving or entitled to receive a pension at the time of ~~his~~ **the member's** death, or upon the death of a member in active service at the time of ~~his~~ **the member's** death, the local board shall authorize and pay out of the 1937 fund at least

(1) ~~one thousand five hundred dollars (\$1,500) for a member who dies before September 1, 1984;~~

(2) ~~three thousand dollars (\$3,000) for a member who dies after August 31, 1984, and before July 1, 1994;~~

(3) ~~six thousand dollars (\$6,000) for a member who dies after June 30, 1994, and before January 1, 1999; and~~

(4) ~~nine thousand dollars (\$9,000) for a member who dies after December 31, 1998;~~

**twelve thousand dollars (\$12,000)** as death benefits.

(c) The death benefit described under this section shall be paid to the following:

(1) to the surviving spouse;

(2) if there is no surviving spouse, to the surviving children; and

(3) if there is no surviving spouse, and if there are no surviving children, to the estate;

of the deceased member and is in addition to other benefits paid to a member or survivor under this chapter.

SECTION 3. IC 36-8-7.5-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.8. (a) Benefits paid under this section are subject to section 1.5 of this chapter.

(b) The 1953 fund shall be used to pay **twelve thousand dollars (\$12,000)** to the beneficiary or estate of a member of the fund, active or retired, who:

(1) dies from any cause after having served for one (1) year or more as an active member of the police department; or

(2) dies from any cause while in the actual discharge of ~~his~~ **the member's** duties as a police officer after having served less than one (1) year as an active member of the police department.

~~fifteen hundred dollars (\$1,500) for a member who died before September 1, 1984; three thousand dollars (\$3,000) for a member who dies after August 31, 1984, and before July 1, 1994; six thousand dollars (\$6,000) for a member who dies after June 30, 1994, and before January 1, 1999; and nine thousand dollars (\$9,000) for a member who dies after December 31, 1998.~~ Any member of the fund may name a beneficiary to receive the amount provided for upon ~~his~~ **the member's** death by designating in writing in such form as is prescribed by the

C  
o  
p  
y



1 local board and delivered to the board. The beneficiary may be changed  
 2 from time to time by the member by canceling the designation and  
 3 delivering a new designation to the local board. If the member makes  
 4 no designation of beneficiary, the sum provided for shall be paid to the  
 5 member's estate.

6 SECTION 4. IC 36-8-8-16 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) Benefits paid  
 8 under this section are subject to section 2.5 of this chapter.

9 (b) The heirs or estate of a fund member is entitled to receive at  
 10 least

11 ~~(1) one thousand five hundred dollars (\$1,500) upon the fund~~  
 12 ~~member's death before September 1, 1984;~~

13 ~~(2) three thousand dollars (\$3,000) upon the fund member's death~~  
 14 ~~after August 31, 1984, and before July 1, 1994;~~

15 ~~(3) six thousand dollars (\$6,000) upon the fund member's death~~  
 16 ~~after June 30, 1994, and before January 1, 1999; and~~

17 ~~(4) nine thousand dollars (\$9,000) upon the fund member's death~~  
 18 ~~after December 31, 1998.~~

19 **twelve thousand dollars (\$12,000).**

20 SECTION 5. [EFFECTIVE JULY 1, 2005] **This act applies only to**  
 21 **benefits payable with respect to a member of the 1925 police**  
 22 **pension fund, the 1937 firefighters' pension fund, the 1953 police**  
 23 **pension fund, or the 1977 police officers' and firefighters' pension**  
 24 **and disability fund who dies after June 30, 2005.**

**C**  
**O**  
**P**  
**Y**

